Approved For Pase 2005 M2514A NOD-REPUBRID1 Side 11200020026-7 SUBJECT: (Optional) Your Inquiry Regarding Passing of Polygraph Information to DISCO									
					FROM:		M	EXTENSION	NO.
					Chief, Policy and Plans Group 4E-70, Hdqs.				DATE 8 May 1980
TO: (Officer designation, room number, and building)	:: D	FORWARDE	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)					
1. DD/P&M	8 1080	3/9	: -	1. I know of no policy commitments in writing to pass polygraph information to DISCO except that it					
2. File-Speak	e ol	lel		is my understanding that this practice began at the suggestion of former C/I&CB/CD.					
				I see no inconsistency in passing information to DISCO on a Secret level clearance after telling the					
				individual that we will pass such information only pursuant to a national security consideration					
5.				because Secret level material is, by E. O. 12065 definition, infor- mation "the unauthorized disclosure					
6.				of which reasonably could be expected to cause serious damage to the national security." In					
7.			,	fact, even Confidential information pertains to the national security. Furthermore, it is clear from					
8.				which implements in regulation form and in greater detail the various provisions of					
9.				E. O. 12036, particularly from its Annex J, which pertains to the dissemination of information,					
				that we are perfectly within our rights in passing such information. Annex J.clearly states that infor-					
				mation collected with the consent of the U. S. person concerned may be disseminated whenever such					
12.				information is relevant to an authorized function of CIA.					
13.				Clearly, in the given instance and similar ones, since we col- lected the information legally and with the consent of the indi-					
14. 11. 11. 11. 11. 11. 11. 11. 11. 11.	<u>.</u>			vidual, we can pass it, and especially so as the passing					
15.				is not inconsistent with the promise made to the individual.					

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However, in spite of the above, I believe that we are in error in passing such information in Secret level situations. We do not use the polygraph ourselves in determining whether a person can have a Secret level clearance. I would guess that the reasoning is not merely one of resources, but of avoiding using the "elephant gun on the fly." Why then should we, in effect, permit DISCO to avail itself of our maximum weapon for their Secret level clearances? The concern here is that if we use a polygraph, particularly where derogatory information is developed, we run the risk of complaints to Congress and other forums, and needlessly expose our polygraph program to attack. I simply see no logic in passing this information on a Secret level clearance when we would not use the polygraph ourselves for the same clearance if we were issuing it. Perhaps where extremely serious information were developed, we might consider passing it to DISCO in a Secret level situation. think we should stop doing it as a matter of routine.

I should add that the only information which we are obligated to pass is evidence of certain criminal law violations and, then, only to the Justice Department and under guidelines adopted by the Attorney General. As you know, the decision on what to pass in this connection is made by the General Counsel. I know of no statutory obligation whatsoever to pass information to DISCO or any member of the Intelligence Community.